

# **CITY COUNCIL AGENDA**

**SEPTEMBER 7, 2004**

**AMENDED AGENDA**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
TERRY O. GREGORY  
DAVID D. CORTESE  
JUDY CHIRCO  
PAT DANDO, VICE MAYOR

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.htm](http://www.sanjoseca.gov/clerk/agenda.htm)

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
9:30 a.m. - Closed Session, Room 600, City Hall  
See Separate Agenda  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
7:00 p.m. - Public Hearings, Council Chambers, City Hall  
General Plan Hearings, Council Chambers, City Hall
- **Invocation (District 8)**  
Rodney Nelson, Pastor, East Valley Pentecostal Church
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

## **1 CEREMONIAL ITEMS**

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- 1.1** Appointment and swearing in of District 8 Youth Commissioner. (Mayor)  
\* **RECOMMEND DEFERRAL TO 9/21/04 TO BE HEARD IN THE EVENING**
- 1.2** Presentation of a commendation to Stewart Slater for his high level of performance and firm commitment to the American Musical Theatre of San José, and for his dedicated leadership in serving the constituents of San José and the City's unique arts culture. (Williams)  
\* (Rules Committee referral 9/1/04)

## 2 CONSENT CALENDAR

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

### 2.1 Approval of Minutes.

- \* (a) Regular meeting of August 3, 2004

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) [ORD. NO. 27235 – Repeals Section 11.24.430 of Chapter 11.24 of Title 11 of the San José Municipal Code to eliminate the designation of Southwest Expressway from south to north between Stokes Street and Bascom Avenue as a one-way street.](#)

### 2.3 [Approval of a lease agreement for the Airport administrative offices.](#)

**Recommendation:** Approval of a fourth amendment to the office lease with RNM First Street Center, LP, for the Airport administrative offices located at 1732 N. First Street, to provide for overnight parking of up to thirty (30) additional City and City Contractor fleet vehicles, for additional rent paid by the City in an annual amount not to exceed \$56,000, commencing on July 1, 2004, and subject to an annual increase in the amount of 2% through the expiration of the office lease on December 31, 2009. CEQA: Resolution Nos. 67380 and 71451, PP 04-07-222. (Airport)

### 2.4 [Approval to amend job classifications and titles.](#)

**Recommendation:** Adoption of a resolution to:

- (a) Create the following job classification:
  - (1) Building Inspection Manager (3910);
- (b) Change the job classification titles of:
  - (1) Child Care & Youth Services Coordinator (6104) to Community Programs Administrator (6104);
  - (2) Parking Control Officer (2451) to Parking & Traffic Control Officer (2451);
  - (3) Sr. Parking Control Officer (2453) to Sr. Parking & Traffic Control Officer (2453); and
  - (4) Parking Control Supervisor (2455) to Parking & Traffic Control Supervisor (2455);

(Continued on next page)

## 2 CONSENT CALENDAR

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### 2.4 Approval to amend job classifications and titles. (Cont'd)

**Recommendation:** Adoption of a resolution to:

- (c) Delete various job classifications as shown below:
  - (1) Sr. Computer Operator (1335);
  - (2) Community Garden Coordinator (3417);
  - (3) Sr. Communications Services Operator (1178);
  - (4) Database Administrator (8125);
  - (5) Guest Services Administrator (6331); and
  - (6) Principal Development Officer (4228).

CEQA: Not a Project. (Employee Services)

### 2.5 Approval of an agreement to fabricate and install artwork at the new Evergreen Branch Library.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Larry Kirkland to fabricate and install an artwork at the new Evergreen Branch Library, in an amount not to exceed \$135,562. CEQA: Mitigated Negative Declaration, H03-056. Council District 8. (Office of Cultural Affairs)

### 2.6 Approval of various actions related to the Pre-Disaster Mitigation Grant Program.

**Recommendation:** Adoption of the following amendments to the annual appropriation ordinance and funding sources resolution in the General Fund for Fiscal Year 2004-05 as follows:

- (a) Establish an appropriation in the City-wide expenses to the City Manager's Office for the Pre-Disaster Mitigation Grant Program in the amount of \$25,000; and
- (b) Increase the earned revenue estimate from the State of California by \$25,000.

CEQA: Not a Project. (Emergency Services/City Manager's Office)

### 2.7 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2004-2005 #3 and authorization for the Director of General Services to execute the purchase orders.

CEQA: Not a Project. (General Services)

\* **DROP, SEE 9/14/04 COUNCIL AGENDA, ITEM 2.4**

## 2 CONSENT CALENDAR

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### 2.8 Approval of actions related to the annexation of Cambrian No. 33.

**Recommendation:** Adoption of a resolution initiating proceedings and setting September 21, 2004 at 1:30 p.m. as the date for Council consideration of the reorganization of territory designated as Cambrian No. 33, which involves the annexation to the City of San José of 0.44 acre of land, located on the north side of Curtner Avenue, opposite the terminus of Joseph Avenue and adjacent to the City of San José annexations Cambrian Nos. 30A and 31, and the detachment of the same from West Valley Sanitation, County Lighting County Service, Central Fire Protection, and Area No 01 (Library Services) County Service. CEQA: Resolution No. 65459, C03-092. Council District 9. (Planning, Building and Code Enforcement)

### 2.9 Approval of various actions related to the Alcohol Beverage Control Grant.

**Recommendation:** Adoption of the following amendments to the annual appropriation ordinance and funding sources resolution in the General Fund for Fiscal Year 2004-05 as follows:

- (a) Increase the existing appropriation in City-wide expenses to the Police Department for the Fiscal Year 2004-05 Alcohol Beverage Control Grant in the amount of \$75,000; and
  - (b) Increase the earned revenue estimate from the State of California by \$75,000.
- CEQA: Not a Project. (Police/City Manager's Office)

### 2.10 Approval of an agreement to install water facilities for the new Rose Garden Branch Library Project.

**Recommendation:** Approval of an agreement with the San José Water Company for installation of water facilities to serve the new Rose Garden Branch Library Project, for the period September 7, 2004 to September 30, 2005, in the amount of \$118,329. CEQA: Negative Declaration, PP H02-065. Council District 6. (Public Works)

### 2.11 Acceptance of the San José Arena Authority Ticket Distribution Program Report.

**Recommendation:** Acceptance of the Second Quarter 2004 San José Arena Authority Ticket Distribution Program Report. CEQA: Not a Project. (San José Arena Authority)

### 2.12 Acceptance of the City Auditor's reports.

- \* **Recommendation:** Acceptance of the Office of the City Auditor's:
- (a) Report of Activities and Findings for the Period June 16 through August 15, 2004.
  - (b) Report on Sales and Business Tax Audit Results for the Quarter Ended June 30, 2004.
- (City Auditor)  
(Rules Committee referral 9/1/04)

## 2 CONSENT CALENDAR

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### 2.13 Approval of the City Auditor's travel calendar through December 31, 2004.

- \* **Recommendation:** Approval of the City Auditor Gerald Silva's travel calendar through December 31, 2004, at a total cost to the City of \$422. (City Auditor)  
(Rules Committee referral 9/1/04)

### 2.14 Adoption of a resolution accepting invitations for the opening performance of the Opera San José.

- \* **Recommendation:** Adoption of a resolution accepting invitations for the opening performance of the Opera San José from Opera San José and approving the distribution of invitations to officials and staff of the City and the Redevelopment Agency in their official capacity as representatives of the City of San José. (City Attorney)  
(Rules Committee referral 9/1/04)

### 2.15 Approval of fiscal actions for Redevelopment Agency Capital Projects.

- \* **Recommendation:**
  - (a) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Meadowfair Park Phase II Project (PSM 375), the King and Story Road Improvements Project (PSM 221#4), the Transit Mall Lighting Project (PSM 379), the Traffic Signal at King/Wilshire (PSM 380), and the Richmond-Menker Housing Rehabilitation Improvements Phase I Project (PSM 377), with a net impact to the fund of \$443,000.
  - (b) Adoption of a resolution making certain determinations regarding the related expenditures of Redevelopment Agency funds on certain public improvements in connection with the Traffic Signal at King/Wilshire Project as more specifically described in the memorandum from the Redevelopment Agency dated June 17, 2004.

CEQA: Not a Project. Council Districts 5, 6, and 8. SNI: Burbank/Del Monte, West Evergreen, Gateway East. (City Manager's Office)  
(Rules Committee referral 9/1/04)

### 2.16 Approval to submit a grant application for an additional \$50,000 for the FY 2004 Metropolitan Medical Response System Grant funds.

- \* **Recommendation:** Adoption of a resolution authorizing the City Manager to augment the grant application amount authorized under Resolution 72278, increasing the total grant amount for the FY 2004-2005 Metropolitan Medical Response System ("MMRS") Program Continuation Grant with the United States Department of Homeland Security by an additional \$50,000, bringing the total to \$450,000. (Emergency Services)  
(Rules Committee referral 9/1/04)

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.1 Report of the Study Session

**Mayor Gonzales, Chair**

- \* (a) May 2004 Proposed Operating and Capital Budget Study Sessions  
**RECOMMEND DEFERRAL TO 9/14/04**

#### 3.2 Report of the Rules Committee

**Vice Mayor Dando, Chair**

**Meeting of August 25, 2004**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review September 7, 2004 Draft Agenda
  - (2) Add New Items to August 31, 2004 Amended Agenda
    - Mayor and Council Member Requests
    - City Manager Requests
    - City Attorney Requests
    - City Clerk Requests
  - (3) List of Reports Outstanding
- (c) Legislative Update
  - (1) State
  - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointment to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Request to place an audit of the McKean Youth Sports Facility on the City Auditor's Workplan
  - (2) Expansion of Small Business Development Commission Functions, Powers and Duties Preliminary Workload Assessment
- (h) Oral communications
- (i) Adjournment

#### \* **Meeting of September 1, 2004**

- (c) Legislative Update
  - (1) State
    - (a) AB 1878 (Chan) relating to motor scooters, operation and noise; SB 1694, SB 1695, SB 1694, SB 1697 (Torlakson), relating to driving under the influence

#### 3.3 Report of the Making Government Work Better Committee Council Member Campos, Chair



### 3 STRATEGIC SUPPORT SERVICES

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#### 3.4 [Approval to purchase insurance policies.](#)

- \* **Recommendation:** Approval of purchase of citywide insurance policies for the period October 1, 2004 to October 1, 2005, in an amount not to exceed \$2,950,000. Funding for these policies is included in the 2004-2005 Operating Budget. CEQA: Not a Project. (Finance))

### 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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#### 4.1 **Report of the Building Strong Neighborhoods Committee Council Member Chavez, Chair**

#### 4.2 [Report of the Driving a Strong Economy Committee – August 23, 2004](#) **Council Member Williams, Chair**

- (a) Economic Indicators and Trends
- (b) Status of Industrial Lands
- (c) Report on attracting amateur and professional sports to San José
- \* **SEE ITEM 4.5 FOR COUNCIL ACTION TO BE TAKEN**
- (d) Oral petitions
- (e) Adjournment

#### 4.3 **Approval to award a contract for the Towers Lane Improvement Project.**

**Recommendation:** Reports on bids and award of contract for the Towers Lane Improvement Project (north of Aborn Road) to the low bidder, DeSilva Gates Construction, LP, in the amount of \$626,191, and approval of a 15 percent contingency in the amount of \$94,000. CEQA: Exempt, PP 02-03-046. Council District 7. SNI: West Evergreen. (Public Works/Transportation)  
(Deferred from 8/31/04 – Item 4.3)

- \* **RECOMMEND DEFERRAL TO 9/14/04**

#### 4.4 [Accept the Strong Neighborhood Business Plan, as recommended by the Building Strong Neighborhood Committee.](#)

[Supplemental  
Attachment A  
Attachment B  
Attachment C](#)

- \* **Recommendation:** Accept the Strong Neighborhood Business Plan, as recommended by the Building Strong Neighborhood Committee. (City Manager's Office)  
[Building Strong Neighborhoods Committee referral 8/16/04 – Item 4.1(b)]

#### 4.5 [Council discussion on the Report on Attracting Amateur and Professional Sports to San José, as directed by the Driving a Strong Economy Committee.](#)

- \* **Recommendation:** Council discussion on the Report on Attracting Amateur and Professional Sports to San José, as directed by the Driving a Strong Economy Committee.  
[Driving a Strong Economy Committee referral 8/23/04 – Item 4.2(c)]

## 5 RECREATION & CULTURAL SERVICES

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- 5.1 **Report of the All Children Achieve Committee**  
Council Member Yeager, Chair

## 6 TRANSPORTATION SERVICES

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- 6.1 **Report of the Building Better Transportation Committee**  
Council Member Cortese, Chair

- 6.2 [Public Hearing on the vacation of a portion of Lenzen Avenue.](#)

**Recommendation:** Public Hearing and adoption of a resolution approving the vacation of a portion of Lenzen Avenue and reserving a public service easement (PSE), located 350 feet east of Stockton Avenue. CEQA: Exempt. Council District 6. (Public Works)

- 6.3 [Approval to award a contract for the Greater Gardner Street Reconstruction, Delmas Avenue Project.](#)

[Supplemental](#)

- \* **Recommendation:** Report on bids and award of contract for the Greater Street Reconstruction – Delmas Avenue Project to the low bidder, Wattis Construction Company, Inc., in the amount of \$416,664, and approval of a contingency in the amount of \$42,000. CEQA: Exempt, PP04-07-215. Council District 3. SNI: Greater Gardner. (Public Works)

- 6.4 [Approval to submit an application for Federal Surface Transportation Program funding.](#)

**Recommendation:** Adoption of a resolution authorizing the City Manager to file an application for Federal Surface Transportation Program (STP) funding for the FY 05-06 and FY 06-07 STP Street Resurfacing Project and committing the necessary City funding match of \$853,000 for the project and stating the assurance of the City of San José to complete the project, subject to appropriation of funds, in the total amount of \$7,437,000. CEQA: Exempt, PP04-08-233. (Transportation)

## 7 ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Approval to amend the agreement with Norcal for Recycle Plus Integrated Waste Management Services.

**Recommendation:** Amend the agreement between the City and Norcal for Recycle Plus Integrated Waste Management Services by incorporating unanticipated additional labor costs, ensuring prevailing wage, and accepting additional services offered by Norcal.  
(City Manager's Office)

\* **RECOMMEND DEFERRAL TO 9/14/04**

## 8 AVIATION SERVICES

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## 9 PUBLIC SAFETY SERVICES

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## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps  
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

None.

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9618	Southwest corner of Oakland Road and Rock Avenue	4	Orchard Property LLC	107 units	Single family

- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion. Following Open Forum, Council will recess until 7:00 p.m.

## 11 PUBLIC HEARINGS

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(To be heard by the City Council at 7:00 p.m.)

### 11.1 Public Hearing on planned development prezoning of the property located at 13785 Story Road.

- \* **Recommendation:** Public Hearing on and consider approval of an ordinance on Planned Development Prezoning of the property located at the northwest corner of Story Road and Lyndale Avenue (13785 Story Road), from County to A(PD) Planned Development Zoning District, to allow for commercial uses on a 0.12 gross acre site. (Joseph W Sunzeri 1997 Fam LP, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval and because a quorum was not reached on the motion (3-2-2), Planning Commission forwards no recommendation. SNI: East Valley/680 Communities.

PDC 04-022 - District 5

**TO BE HEARD AFTER ITEM 12.4(a) – ACTION TO BE TAKEN UNDER 12.4(b)**

### 11.2 Public Hearing on prezonings located at 905 N. Capitol Avenue.

**Recommendation:** Public Hearing on and consider approval of an ordinance authorizing the following prezonings located on the west side of North Capitol Avenue, opposite Penitencia Creek Road (905 N. Capitol Avenue): 1) Planned Development Prezoning from County to A(PD) Planned Development Zoning District on approximately 5.1 acres, to allow up to 113 single-family attached residences (Lands of Yoneda); 2) Prezoning from Unincorporated County to R-M Multiple Residence District on approximately 4.2 acres (Lands of Yoneda); and 3) Prezoning from Unincorporated County to R-M Multiple Residence District on approximately 1.76 acres (Lands of Chelstowski). (Yoneda Masato and Fusa T. Trustee et al., Owner; Trumark Companies, Chris Davenport, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 04-017 - District 4

### 11.3 **Public Hearing on planned development rezoning of the property located at the south side of State Street, approximately 300 feet easterly of Pacific Avenue.**

**Recommendation:** Public Hearing on and consider approval of an ordinance on Planned Development Rezoning of the property located at the south side of State Street, approximately 300 feet easterly of Pacific Avenue, from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 6 single-family detached residences on a 0.41 gross acre site. (Next Step Homes, LLC, Owner/Developer). CEQA: Mitigated Negative Declaration.

PDC 03-104 - District 4

**RECOMMEND CONTINUANCE TO 9/21/04**

## 11 PUBLIC HEARINGS

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### 11.4 [Public Hearing on the Appeal of the Planning Commission's decision to approve with conditions a Conditional Use Permit to extend the hours of late night use to 24 hours per day for a public eating establishment located at 394 South Second Street.](#)

#### [Supplemental](#)

**Recommendation:** Public Hearing on the Appeal of the Planning Commission's decision to approve with conditions a Conditional Use Permit to extend the hours of late night use to 24 hours per day for a public eating establishment located at 394 South Second Street in the DC Downtown Primary Commercial Zoning District. (Renato and Diane Cusimano, Owners; Palermo Ristorante Italiano, Developer). CEQA: Resolution No. 68839. Director of Planning, Building and Code Enforcement recommends to uphold the appeal and adopt a resolution to deny and Planning Commission recommends approval to extend hours of late night use until 5:00 a.m. on Saturday and Sunday with a one-year compliance review (5-0-2).

[CP 04-058 \(RCP 04-060\)](#) - District 3

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**DROP**

## 12 GENERAL PLAN PUBLIC HEARINGS

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(To be heard by the City Council at 7:00 p.m.)

**Notice to the public:** There will be no separate discussion of General Plan Consent Calendar (Item 12.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the General Plan Consent Calendar (Item 12.1) and considered separately.

### 12.1 [Approval of General Plan Consent Calendar items.](#)

#### [Attachment A](#)

**Recommendation:** PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram to allow expansion of the Urban Service Area and a minor modification of the Urban Growth Boundary for property located at the north side of Fleming Avenue (1230 and 1238 Fleming Avenue) between Impresario Way and Warner Drive on a 2-acre site. (Carl & Helen Gunnels Trust, Owners/Mark Thomas & Company, Applicant). The General Plan Land Use/Transportation Diagram designation of Non Urban Hillside is not proposed to change. CEQA: Mitigated Negative Declaration, GP03-05-04. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1; Platten Absent). [GP03-05-04, UGB03-01](#) - District 5

## 12 GENERAL PLAN PUBLIC HEARINGS

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### 12.2 Public Hearing on General Plan amendment for property located on the northwest corner of Mabury Road and South King Road on a 3.96-acre site.

#### Attachment A

**Recommendation:** PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial to Medium High Density Residential (12-25 DU/AC) for property located on the northwest corner of Mabury Road and South King Road on a 3.96-acre site. (Borrelli Investment Company, Owner/Ray Hashimoto, Applicant). CEQA: Mitigated Negative Declaration, GP04-04-03. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval for Transit Corridor Residential (20 + DU/AC) (4-0-2-1; Platten & Campos Absent; Dhillon Abstained).  
GP04-04-03 - District 4

### 12.3 Public Hearing on General Plan amendment for property located on both sides of Rosemar Court, north of Rosemar Avenue on an 8.5-acre site.

#### Supplemental Supplemental Attachment A

**Recommendation:** PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Estate Residential (1.0 DU/AC) to Very Low Density Residential (2.0 DU/AC) for property located on both sides of Rosemar Court, north of Rosemar Avenue on an 8.5-acre site. (Rosemar Enterprises Corp., Owners/Gerry De Young, Applicant). CEQA: Mitigated Negative Declaration, GP03-05-08. Director of Planning, Building and Code Enforcement recommends approval and Planning Commission recommends denial (4-3-0; Campos, Levy & James Opposed).  
GP03-05-08 - District 5  
(Continued from 3/16/04 - Item 12.3 and 6/1/04 - Item 12.4)

## 12 GENERAL PLAN PUBLIC HEARINGS

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- 12.4 [Public Hearing on the following items located at the northwest corner of Story Road \(13785 Story Road\) and Lyndale Avenue on a 0.12-acre site. \(Joseph Sunzeri, Owner/HMH Engineers, Applicant\).](#)

[Attachment A](#)

[Attachment B](#)

**Recommendation:**

- (a) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram from Medium Low Density Residential designation (8 DU/AC). CEQA: Mitigated Negative Declaration, GP04-05-02. SNI: East Valley/680 Communities. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2; Platten & Campos Absent).  
GP04-05-02 - District 5
- \* (b) PLANNED DEVELOPMENT PREZONING from County to A (PD) Planned Development Zoning District to allow for commercial uses. CEQA: Mitigated Negative Declaration, PDC04-022. SNI: East Valley/680 Communities. Director of Planning, Building and Code Enforcement recommend approval and because a majority was not reached on the motion (3-2-2), Planning Commission forwards no recommendation.  
PDC04-022 - District 5

- 12.5 [Public Hearing on General Plan amendment for property located on the west side of Peregrino Way \(1726 Peregrino Way\), approximately 400 feet northwest of Dry Creek Road on a 1.16-acre site.](#)

[Attachment A](#)

**Recommendation:** PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Low Density Residential (5 DU/AC) for property located on the west side of Peregrino Way (1726 Peregrino Way), approximately 400 feet northwest of Dry Creek Road on a 1.16-acre site. (Kennedy Rogers, Owner/Applicant). CEQA: Mitigated Negative Declaration, GP04-06-01. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

GP04-06-01 - District 6

(Continued from 6/1/04 - Item 12.5 and 6/15/04 - Item 12.3)

- 12.6 **Continuance of this September 7 General Plan hearing and adoption of a resolution approving all General Plan amendment actions to September 21, 2004.**

- \* **Recommendation:** Continuance of this September 7 General Plan hearing and adoption of a resolution approving General Plan amendment actions on September 7 and September 21 to September 21, 2004. (Planning, Building and Code Enforcement)



- Open Forum
- Adjournment